

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
Eastern Division**

MARQUIS ENERGY LLC,
an Illinois limited liability company,

Movant,

V.

**PAC GLOBAL SOLUTION, LLC,
also known as PAC Global Solutions, LLC,
an Illinois limited liability company,**

Respondent.

Case No. 15-cv-07748
Hon. Samuel Der-Yeghiayan

MOTION FOR ENTRY OF FINAL ORDER CONFIRMING ARBITRATION AWARD

Movant Marquis Energy LLC respectfully moves this Court for the entry of a final Order confirming the February 25, 2015 Arbitration Award rendered by The Grain and Feed Trade Association (GAFTA) of the United Kingdom in Marquis' favor in the amount of \$728,892.33, plus interest and costs, against Respondent PAC Global Solution, LLC, an Illinois limited liability company (also known as PAC Global Solutions, LLC) (PAC).

FACTUAL AND PROCEDURAL BACKGROUND

The background of this case is amply described in the original verified sMotion to Confirm Arbitration Award, a copy of which is attached hereto as Exhibit A.

A simple summary of this case is that GAFTA rendered the award against PAC which arose from its failure to make payments on three contracts for its purchases of Dried Distillers Grain (DDGS) from Movant.

As set forth in the original Motion, this case is brought pursuant to the Convention on the Recognition of Foreign Arbitral Awards (Convention), as codified as Chapter Two of the Federal Arbitration Act (FAA), 9 U.S.C. §201, *et seq.*, in particular Section 207 thereof, seeking

confirmation of the GAFTA Arbitration Award attached as Exhibit 1 to the original Motion in the amount of \$728,892.33, plus interest and costs.

On September 11, 2015, PAC was duly served with the original Motion and summons, but it has failed to appear and defend. (Exhibit B.)

Marquis is entitled to the entry of a final Order confirming the GAFTA Award.

ARGUMENT

Under the FAA, "[a]ny application to the court hereunder shall be made and heard in the manner provided by law for the making and hearing of motions." 9 U.S.C. § 6. This removes actions to confirm arbitration awards from the realm of civil cases governed by the Federal Rules of Civil Procedure. *Webster v. A. T. Kearney, Inc.*, 507 F.3d 568, 570 (7th Cir. 2007); *see* Fed R. Civ. P. 1, 81(a)(3); *Health Services Management Corp. v. Hughes*, 975 F.2d 1253, 1257-58 (7th Cir. 1992).

Movant Marquis has proceeded accordingly since proceedings to confirm foreign Awards are also controlled by Chapter 1 of the FAA. 9 U.S.C. §208.

The original Motion to Confirm the Arbitration Award was filed in due form and served on PAC which has not appeared. Therefore, Movant Marquis is entitled to a final Order confirming the Award according to its terms.

Pursuant to Federal Rule of Civil Procedure 5(b) and this Court's Local Rules 5.3 & 5.5, PAC has been served with this Motion even though it has not appeared.

COMPUTATION OF JUDGMENT AMOUNT

Pursuant to the Table attached hereto as Exhibit C, Movant calculates the judgment amount to October 29, 2015, the requested date of Judgment to be as follows:

Contract	Original Principal	Quarterly Compounded Interest at 4%	Total Principal & Interest as of 10/29/2015
No. 22105	\$95,000.00	\$9,183.36	\$104,183.36
No. 22167	316,272.22	29,137.95	345,410.17
No. 22207	<u>317,620.11</u>	<u>28,731.15</u>	<u>346,351.26</u>
Totals --	\$728,892.33	\$67,052.45	\$795,944.78

Arbitration fees awarded (See Award) £5,793.00, August 31, 2015 exchange rate of USD \$1.53 equals USD \$8,863.29. Filing Fee - \$400.00.

CONCLUSION

WHEREFORE, Movant Marquis Energy LLC respectfully requests this Court to confirm the GAFTA Arbitration Award in the amount of \$728,892.33 in Movant's favor, and award to Movant pre-judgment interest in the amount of \$67,052.45 to an including October 29, 2015, the proposed date of Judgment, arbitration costs of \$8,863.29, the costs of suit in the amount of the filing fee of \$400 (see attached receipt), in the total amount of \$805,208.07, and such other relief as the Court deems just and appropriate in the premises.

* * * *

Date: October 22, 2015

Respectfully submitted,

/s/ Constantine John Gekas
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Attorney for Movant Marquis Energy LLC

CERTIFICATE OF SERVICE

I CERTIFY that on October 22, 2015 a copy of the foregoing Notice of Motion and the documents referred to therein were served by overnight messenger and by regular mail upon the following:

PAC GLOBAL SOLUTION, LLC, also known as PAC Global Solutions, LLC,
951-961 Thorndale Avenue, Bensenville, Illinois 60106.

Paul Bauch, BAUCH & MICHAELS, LLC, 53 West Jackson Blvd, Suite 1115,
Chicago, Illinois 60604

/s/ Constantine John Gekas